

MAYOR & COUNCIL OF NEW CASTLE
PUBLIC HEARING
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
TUESDAY – MARCH 12, 2002 – 6:30 P.M.

A Public Hearing for the purpose of considering an Amendment to the Zoning Code of the Mayor and Council of New Castle, eliminating the requirements that an Industrial Office Park District be a contiguous area of at least 200 acres as recommended by the Planning Commission.

Pledge of Allegiance to the Flag

Review of Protocol – Reviewed reason for Public Hearing.

Mr. Castagno read proposed Amendment. Opened the floor to discussion from Public and Council.

Earl Carpenter – What will the zoning facilitate?

Mr. Balascio – It will facilitate use of property as an Industrial Office Park instead of Industrial District I. Industrial Office Park less intensive, has the most restrictions. 200 acres out of place. Less intense industrial use for properties in surrounding area.

Earl Carpenter – What project will this facilitate.

Mr. Balascio – Will facilitate the proposed annexation in Dobbinsville.

Mr. Reese – Changed zoning when the credit union came into the City. Zoning went to service commercial.

Mr. Castagno concluded the Public Hearing.

Respectfully submitted,

Kate Toner

Kate Toner
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE
REGULAR MONTHLY COUNCIL MEETING
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
TUESDAY – MARCH 12, 2002 – 7:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Present: Council President Castagno
Councilman Balascio
Councilman DiAngelo
Councilwoman Dr. Miller
Councilman Reese

Also Present: Mayor John Klingmeyer; Janet Carlin, Treasurer; Robert Martin, City Administrator.

Review of protocol. Times comments from the floor can be made. Refrain from profanity.

APPROVAL BY DATE OF COMMITTEE REPORTS

Police Department Report	February 2002
Building Official Report	February 2002
Finance Department Report	February 2002

Mr. DiAngelo reported an apparent error on the Building Official Report.

Mr. Reese moved reports to be accepted as submitted. It was seconded by Dr. Miller. Motion passed unanimously.

TREASURER'S REPORT

Treasurer's report read by Janet Carlin.

Mr. Reese moved the report to be accepted as presented. It was seconded by Mr. Balascio. Motion passed unanimously.

Mr. Reese – Police annual report available at City Office. Police are fully staffed and no one in training.

Mr. Castagno – Chief McDerby has prepared a comparison between (1999—2000-2001). Significant improvement in Public Safety. Investment is paying off.

APPROVAL OF MINUTES

Public Hearing February 12, 2002
Regular Council Meeting February 12, 2002

Mr. Reese moved to accept the minutes as submitted. It was seconded by Mr. DiAngelo.
Motion passed unanimously.

COMMUNICATIONS

Letters from Planning Commission, Chairperson, Stan Skyora. Recommendations from meeting held on February 25, 2002:

- a. Proposed re-zoning from the 4th and Chestnut property will be reviewed – Tabled.
- b. Minor sub-division on Plum Alley is in conformity with the sub-division regulation. Recommends Council approve.
- c. Rezoning of three properties, known as Soda Town, Dempsey's Restaurant, and Texaco. Has determined that the properties are better suited with Service Commercial Zoning rather than the current Retail Commercial.
- d. Zoning of the Parkway Gravel property. The Planning Commission determined the entire Property zoned Industrial Office Park (IOP District). Council should consider as a condition of annexation. Wet land should be zoned OS & R and the upland zoned IOP as determined by Planning Commission. Current Comprehensive Plan Map.

Tom Maddux, Executive Secretary of the Trustee informed that the Trustee on March 5, 2002 would donate a parcel of land between Wilmington Trust Company and St. Francis on Ferry Cut Off.

Dr. Miller received a letter from Dennis Salter, owner of the Van Dyke Armory, withdrawing the facility from purchase by the Mayor and Council.

- a. The Senior Center is up and running. The Center is looking for a copier and Dr. Miller recommends the use of a copier from the City's surplus equipment at Trolley Barn to donate or sell copier to Center.

BUSINESS FROM THE FLOOR

John Houben – Addressed Mr. Balascio concerning Ordinance #399. **Harden Surface** vehicles cannot park on lawn or grass. Could not get a definition of harden surface.

Mr. Balascio – What is your concern? That people will park on front yard.

John Houben – Legal definition of parking on grass.

Mr. Balascio – Not excluded from parking on grass area. Excluded from parking on that part of the lot that is determined to be front lawn except for driveway.

Bob Martin – List a definition from harden surface.

Mr. Balascio – Excluded from parking on front yard area.

John Houben – Side yard or back yard parking.

Mr. Balascio – You cannot store your vehicles in back yard. Not allowed to drive over sidewalk to park in back yard. How do you define driveway. Police will have to enforce.

John Houben – Agenda Item #2 – What is action term?

Chris Castagno – Will be addressed later.

BUSINESS FROM THE MAYOR

Police facility recommended sites should be turned over to the Planning Commission.

BUSINESS FROM COUNCIL PRESIDENT

Right of Way Ordinance to be presented at April meeting.

New tree Ordinance presented at May meeting.

Franchise Agreement presented at May meeting.

Mr. Castagno and Marian Delaney will post minutes of all meetings on Internet.

Deemer Steel owner met with resident of adjoining properties and Council President on March 7, 2002 to discuss the proposed plan and solicit comments from residents.

On March 12, 2002, Mr. Castagno, Mr. Martin, and Mayor Klingmeyer went to Washington, DC to meet with our elected officials. Bulk of talks were about the Federal Budget, serious cuts will trickle down.

- a. Mayor Klingmeyer added that President's proposal will increase fund for homeland security. Cuts in other areas and other programs will be cut.

On March 27, 2002, Public Hearing on rezoning Soda Town, Dempsey's Restaurant, Texaco, and Parkway Gravel.

BUSINESS FROM CITY ADMINISTRATOR

Attended Senate hearing on March 12, 2002 with Senator Clinton from New York presiding.

Financial status of February 28, 2002. City has collected 73.6% of anticipated revenue.

New Castle Sailing Club (NCSC) intent to hold annual Battery Park beach clean-up on April 6, 2002.

Comcast Cable Vision submitted franchise fee amount of \$45,408.09. Gross revenue 5% in City.

Department of Natural Resource and Environmental Center Recycling Assistance Grant Program. Application due March 20, 2002. Educational material in electric bill about recycling.

- a. Mr. Castagno questioned beautification committee and the lease for 8th and Young Streets.

Mr. Martin – City has been given a proposed lease to bring in dirt and topsoil for the area.

Mr. Castagno – Will Beautification Committee be involved with this site?

Mr. Martin – No, not until 2002. Just clean-up and grading. Tracks will be removed next week.
No actual plans.

Mr. Castagno – What is time line for Budget? Plan on May 1st plan.

Mr. Reese presented Resolution #2002-4 of appreciation for Isabel Klein.

Mr. DiAngelo motioned to accept Resolution #2002-4. It was seconded by Mr. Reese. Motion passed unanimously.

UNFINISHED BUSINESS

Resolution #2002-03 – Adjustment of sub-division fee and land development fee per Section A239-2 and Section A-239-3 of the City Code.

Jeff Bergstrom informed the City that an enabling Ordinance is needed and is working with City Solicitor, Gerry Kavanaugh.

Mr. Balascio motioned to table Resolution. Mr. Reese seconded the motion. Motion passed unanimously.

First and second reading of Parking Ordinance #399.

Mr. Balascio read highlights of Ordinance and gave an explanation of language of Ordinance and states he has a commitment they will be enforced.

NEW BUSINESS

Discusson and decision to authorize Council President to secure Municipal Service Commission Property for a new police facility, if at all possible.

Mr. Castagno – Open to Council for discussion of MSC property is already owned by City.

Dr. Miller – Looking for police facility for seven years. In order to build this facility will need funds from what the Trustees have offered. To accept the land is a tremendous burden on Trustees.

Mr. Castagno – Chance to have a campus concept with City services.

Mr. Reese – Worried Municipal Service Site does not have enough space. New light on Route 9. Seems Ferry Cut Off site is a more advantageous site.

Dr. Miller – Traffic was a concern with Armory. Same situation with Ferry Cut Off site.

Mr. Reese – Chief needs to be involved with this.

Mr. Castagno – This is a Council decision.

Mr. DiAngelo – We should use City planner to see if this is a feasible site. Should include City Administrator and Police. Previous Council never went forward because it would raise taxes.

Dr. Miller – Every time we discuss a police facility we try to put something else in with it.

Mr. Castagno – In workshop we decided that we need a police facility.

Dr. Miller – Public safety felt that police should be an independent facility.

Mr. Reese – MSC property has how many acres with the building raised.

Mr. Castagno – Approximately two acres.

John Klingmeyer – Should use the planner that the City has hired.

Mr. Balascio – Council has to make the decision and the research has been done.

John Klingmeyer – You should use the planner. Why do you refuse to use professional people that are available.

Mr. Reese – Feels Mayor is on right track but feels Tetra-Tech should look at site.

Mr. Castagno – Decide whether to proceed with MSC property as a police facility. A campus concept on City owned land. We are asking to move forward.

Cindy Brittingham – What is Planning Commission used for? Do Trustees have other land that we could use.

Mr. Castagno – This is the property Trustees have offered.

Mr. Balascio – Accomplish this without using Trustee property. We would protect the trust of the future.

Charlotte Houben – The property belongs to the City not to the Trustees. Trustees oversee it for us. If Trustees have property then the citizens of New Castle should ask for it.

Victor Bryson – Best proposal thus far. Have an issue with the size of police facility.

Mary Jane Robinson – Worked with planner. You have paid for this planner. Use this money wisely. Seriously work with planner that has been hired.

John Houben – Concur with the Mayor. Agrees with the use of Municipal Service Property and raising the building made sense.

Bill Emery – Municipal Service site is an excellent site for police facility.

George Freebury – Ask Planning Commission to look at sites.

Dr. Miller motioned to authorize Council President to secure Municipal Service Commission property for a new police facility, if at all possible. It was seconded by Mr. Balascio. Roll call vote: Mr. Balascio, yes; Mr. DiAngelo, no; Dr. Miller, yes; Mr. Reese, no (given reason for his decision); tie breaker, Mr. Castagno, yes.

Appointment on Police Building "Action Team" by Council President.

Mr. Castagno – Ask for the information of a committee consisting of Bob Appleby, Greg Peden, and Mr. Castagno. Action strategy having six check points to consider.

Mr. DiAngelo – Three site demolition – So you already have site picked?

Dr. Miller motioned to appoint an Action Team. It was seconded by Mr. Balascio. Roll call vote: Mr. Balascio, yes; Mr. DiAngelo, no (definitely opposed); Dr. Miller, yes; Mr. Reese, no; tie breaker, Mr. Castagno, yes.

Approval to hire Architect for a new police facility, if necessary.

Mr. Reese – This is to facilitate advertising for an Architect for new police facility.

Mr. Balascio motioned to hire an Architect, if necessary. It was seconded by Dr. Miller. Roll call of vote: Mr. Balascio, yes; Mr. DiAngelo, abstained; Mr. Reese, yes. Dr. Miller, yes. Passed, three in favor.

Confirmation of Mayor's appointment of George Freebury to Planning Commission.

Mr. Balascio motioned to approve George Freebury to the Planning Commission. It was seconded by Mr. Reese. Passed unanimously.

Authorization for Mayor to sign the Local Law Enforcement Technology Fund Grant Application for 2002/2003.

Mr. Reese explained the value of the Grant.

Mr. Reese moves to approve Local Law Enforcement Technology Fund Grant. It was seconded by Mr. Balascio. Passed unanimously.

Consideration of street paving request to Senator Connor and Representative Mulrooney.

Mr. DiAngelo listed proposed City wide paving, 2002/2003, if bids are low may be able to add a few more streets.

Mr. Reese recommends that we do not give bid to company that has done a bad job in the past.

Mr. Martin – This is a public bid and we cannot exclude any company but will take past Performance into consideration prior to awarding contract.

Mr. DiAngelo – Send a letter to Senator and Representatives seeking Suburban Street Funds for Paving the following streets in years 2002 and 2003. It was seconded by Mr. Reese. Passed unanimously.

First and second reading of Ordinance #403 amending the zoning code of the Mayor and Council of New Castle by eliminating the requirement that an Industrial Office Park (IOP) District consist of at least 200 acres.

Mr. Castagno read the Ordinance #403 and explained the changes.

Discussion on Park/Playground Equipment Analysis.

Mr. Balascio – Our parks are in need of equipment. Eleven (11) pieces need to be removed. Suggestion to get Corporate sponsors for these parks. Cost of equipment is unbelievable. Want safety barriers around equipment. Also, need age of appropriate equipment.

Mr. Castagno – What type of equipment needed and in which parks.

Mr. Balascio – Remove equipment that is dangerous and no longer insured. Safety issues.

Mr. Reese – Is there money available from Happy Harry's expansion.

Mr. Martin - \$2,600.00 left. Used money for development of Penn Bantam Park. Should do a complete study of what parks need.

Mr. Balascio – Maintain all parks in every neighborhood with the help of Corporate sponsorship.

Mr. Reese – Number of children in neighborhood is constantly changing.

Mr. Martin – Very difficult to project needs in neighborhoods.

Mr. Balascio – Use funds on hand to remove dangerous equipment. It is a matter of safety. We should err on the side of caution.

Mr. Martin – Feel we need to re-evaluate equipment.

Mr. Balascio – Rather than being practical we are going to be safe.

Dr. Miller – Neighborhoods need to be told why this equipment is being removed.

John Houben – Make a list of equipment and reasons for removal.

Cindy Brittingham – Want a park. You are fixing parks. We still do not have a park.

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Flo Russell – No decision should be made by one person. Appalled at the disrespect in this Council. Does not want to see this happen again.

Chris Linder – Mr. DiAngelo should talk to the smarter people in Newark and get something for the people of New Castle.

John Houben – Trustees allotted money for police facility. Why is it reduced?

Mr. Reese motioned to adjourn the meeting. It was seconded by Dr. Miller.

Respectfully submitted,

Kate Toner

Kate Toner
City Clerk